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CURRENT TOPICS

The Folkestone Conference and Conveyancing Costs

A SUBJECT which has recently been canvassed in this paper—the burden of legal costs on the purchase of small houses—formed one of the main topics touched on by the President of The Law Society in his opening address to the Society's Annual Conference at Folkestone this week. As our correspondence columns show, there are many and various points of view on this matter, and the one common factor seems to be that the burden of finding a substantial sum for costs in addition to the difference between the mortgage advance and the purchase price is in many cases the last straw for the purchaser. Mr. JESSOP preferred to approach the problem on the footing that the real substance of the difficulty is not quantum but incidence of costs; in other words, he thought arrangements to spread their payment by adding them to the amount of the mortgage would meet the purchaser's complaint. The Council were in touch with the Building Societies Association on this point, he added, and were also sounding the insurance companies. This solution may sound attractive both to purchasers and their solicitors, but the mortgagee's point of view must not be overlooked; in effect he is asked to increase the advance without further security, a course which might not be in the interests of investors and shareholders. The President and the Council in making this suggestion are clearly satisfied that scale charges for small house-purchase transactions are fixed at no more than at economic rate, although some doubt has been expressed on this point by some recent correspondents to this Journal and, indeed, it has more than once been claimed that in a mixed practice the litigation side can only survive because the conveyancing business is profitable enough to subsidise it. Granted that contentious costs are fixed at present at an unremunerative level, this is nevertheless a separate question and is rightly being separately pursued. In the meantime the most obvious moral to be drawn from the present discussion is the need for a public relations campaign by the profession to inform the house-buyer and the public generally of the work actually carried out by the solicitors conducting the transaction.

Lights on Vehicles

SEVERAL changes in the law relating to rear lights take effect on 1st October, 1954, and dates have been fixed for subsequent changes. The changes are mostly brought about by the Road Transport Lighting Act, 1953, parts of which come into force on that day by virtue of provisions in the Act itself or by virtue of the Road Transport Lighting Act, 1953 (Commencement No. 1), Order, 1954. The Road Vehicles Lighting Regulations, 1954 (S.I. 1954 No. 1105), also come into force on 1st October, 1954. These replace the Road Vehicles Lighting Regulations, 1950, the Road Vehicles Lighting (Reversing Lights) Regulations, 1953, and reg. 3 of the Road Vehicles Lighting (Special Exemption) Regulations, 1949; the new regulations, which relate to all types of lamps, front and rear, are largely consolidation, with such amendments as are necessitated by the new Act. The changes

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are set out in the explanatory note at the end of the regulations; they are not substantial. On and after 1st October, 1954, every vehicle must, during the hours of darkness, by virtue of s. 1 of the 1953 Act, carry two red reflectors, of the nature and in the position indicated in Pt. VI and Sched. 2 of the 1954 Regulations, save that pedal cycles and pedal tricycles and solo motor cycles need carry only one reflector. There are special provisions in s. 1 (1) (*b*) as to towed vehicles. White surfaces on the back of bicycles will no longer be required. By s. 1 (2), where a tail light is so constructed that, when not alight, it is an efficient red reflector complying with the regulations, it may be treated as being such a reflector both when it is and when it is not alight. A pedal cycle or solo motor cycle which has such a tail light need not, therefore, carry any additional reflector; a car which has two such tail lights likewise need not carry any additional reflectors. The section applies to all vehicles, whenever constructed or first registered. By the Road Traffic Act, 1934, s. 19 (2), it is an offence to sell or offer for sale a reflector which does not comply with the regulations. The reflectors must be kept clean and efficient. Section 2 of the 1953 Act goes further and provides that vehicles must also carry two rear lights, save that a pedal cycle or pedal tricycle or solo motor cycle need carry only one. The date of its operation is indicated below. All lamps, front and rear, must be in a "clean and efficient condition"; under the existing law their condition need only be "efficient." Motor vehicles first registered on or after 1st October, 1954, must on and from that day carry two rear lights, as must trailers drawn by such vehicles. Vehicles registered prior to 1st October, 1954, and trailers drawn by such vehicles need not carry the two rear lights until 1st October, 1956. Where a vehicle is of a type that does not require registration, e.g., an army lorry or a horse-drawn cart, the date of its supply by its manufacturer to the Crown or to any other person is treated as the date of its registration, so that a vehicle supplied on or after 1st October, 1954, must immediately carry the two lights and one supplied before that day need not carry them till 1st October, 1956. The operation of s. 2 is postponed in respect of public service vehicles registered prior to 1st October, 1954. Vehicles brought into this country on or after that day by a visiting force (as defined by the Visiting Forces Act, 1952) and their trailers must carry the two rear lights.

Nominated Savings Bank Deposits—Rights of Creditors

IT not infrequently happens in the case of small estates that the whole or a substantial part of the assets comprise moneys in the Post Office or some other savings bank, National Savings certificates or moneys due from a friendly society, and that the deceased has executed a nomination in respect of all or part of these moneys in accordance with the rules of the savings bank or society concerned. When this happens, the question of payment of funeral expenses and the other liabilities of the estate arises, and a particular instance of this is referred to in a Point in Practice answered on p. 477, *ante*. In that case the funeral expenses amounted to £47, and the only un-nominated estate comprised two insurance policies, which realised £20. This sum was paid out to the county council who had provided the expense of burial and who had applied for the balance of £27 to a nominee entitled to the moneys in the Post Office Savings Bank account of the deceased. In our answer we expressed the opinion that the funeral expenses had priority over the nominee's title and that the county council were able to recover the balance. Our attention has, however, been drawn by a reader to the decisions in *Bennett* v. *Slater* [1899] 1 Q.B. 45 and *Re Joliffe* (1917), Report of Chief Registrar, p. 117, which were cases where the un-nominated estate was quite sufficient to satisfy the funeral expenses and debts and the Chief Registrar of Friendly Societies refused to make an award appropriating nominated balances for this purpose. It seems, therefore, that only where the un-nominated capital is insufficient to provide for the debts and funeral expenses can nominated assets be claimed by creditors, and to enforce such a claim it would appear necessary for the creditor to obtain an order from the registrar.

Land Registry and Licences in Mortmain

HIS HONOUR JUDGE CLOTHIER, Q.C., criticised the Land Registry in a case in the Lambeth County Court on 13th September when a company registered in Dublin failed in an action to recover £105 9s. 6d. arrears of rent. It had previously been held in the High Court that the company had no right to own property in Britain. It was argued for them in their claim for rent that, as they had registered their title with the Land Registry, the Land Registration Act, 1925, gave them back their rights of ownership. "It is difficult to say," Judge Clothier remarked, "why the Land Registry did not say: 'Where is your licence in mortmain?' when the company applied for registration . . . The company must be taken to have known that it had no title at all to this property when it went to the registrar. In those circumstances, it does not lie with them to say 'although we deceived the land registrar, if not intentionally, we claim the benefit of that mistake, of which we were the initiators'."

The Landlord and Tenant Act, 1954, Explained

FOR some years past Her Majesty's Stationery Office have been achieving the difficult and important task of explaining in simple language the terms of new statutes which are of obvious public importance. Their latest success consists of an explanation of the Landlord and Tenant Act, 1954, in two sixpenny pamphlets, one on Security of Tenure of Business Premises and the other on Houses Held on Ground Lease. The method of question and answer is effectively adopted to produce pamphlets which lawyers as well as laymen will use to familiarise themselves with the outlines of the Act, and to provide quick guidance when necessary on some of the less difficult points raised.

Footpaths and Bridleways

THE Minister of Housing and Local Government circularised local authorities on 26th March, 1953, with notes of the procedure to be followed when creating, diverting or extinguishing public rights of way under the National Parks and Access to the Countryside Act, 1949, and the Acquisition of Land (Authorisation Procedure) Act, 1946. In amplification of the notes on the 1949 Act the Minister has now stated, in circular No. 65/54 issued on 14th September, 1954, that he is advised that, by virtue of s. 114 of the Act, the word "use" in s. 42 bears the same meaning as in s. 119 of the Town and Country Planning Act, 1947, i.e., that it does not include the use of land by the carrying out of any building or other operations thereon. Accordingly, orders should not be made under s. 42 where the purpose is "for securing the efficient use of the land," where the use in question includes the carrying out of any building or other operations. Such cases may be dealt with under the provisions of s. 49 of the Town and Country Planning Act, 1947, or under s. 3 of the Acquisition of Land (Authorisation Procedure) Act, 1946. The circular also states, with regard to powers under ss. 39, 40, 42 and 43 of the 1949 Act, that if an order-making authority make an order without first obtaining consent under ss. 40 (3) or 44 (1) (highway and local planning authorities) and s. 101 (6) (*a*) (the "appropriate authority" where Crown land is concerned),

as the case may be, there is no way of rectifying the omission. The Minister is advised that any such order would be invalid and that he would have no power to confirm it.

Lord of the Manor

JOSEPH BEAUMONT, a solicitor who practised at Coggeshall, in Essex, in the nineteenth century, and acted as steward for many landowners in the county, made a hobby of collecting lordships of manors, and after he died in 1889, his son and partner, George Frederick Beaumont, continued to add to the collection. On 3rd November, 1954, twenty-seven of them are to be offered for sale by auction under the will of George Frederick Beaumont, who died in 1928. A further twenty-nine are being offered for sale by private treaty. The catalogue, which contains historical notes, is obtainable (price 2s. 6d.) from C. M. Stamford and Son (23 High Street, Colchester) and Street and Parker, 49 Russell Square, London, W.C.1. Of the great power of the feudal lord of the manor it appears that little now remains beyond the title "Lord of the Manor" or "Lady of the Manor." The commons and wastes can be revenue-producing if wayleave agreements are arranged. The timber and turf on such of the commons and wastes as belong to the lord and the right to let the commons for grazing, subject to the rights of the commoners, the minerals and the sporting rights, enfranchisement rent charges still belonging to the vendors, and the manorial records are rights which may still be of value. The manorial records, change of ownership in which has to be notified to the Public Record Office, may be very valuable, some of them going back to the fourteenth century. The manors are situated in Essex, Suffolk and Norfolk.

Graphs as Evidence

As evidence, few documents are as superficially convincing as a diary. This is so well understood that in cases where it is important to prove a course of conduct, as in cruelty in divorce, or in nuisance at common law, solicitors sometimes advise the keeping of a diary, although fully aware of the dangers of doing so, in order to provide necessary strengthening for their case. The main danger of a diary as evidence is that it is so revealing, and therefore sometimes fatally weakens a weak case. The risk of this may outweigh the advantage of the possibility that the case may be strengthened. A litigant in the Eastbourne County Court on 15th September, 1954, produced a much more effective document than a diary, showing his next-door neighbour's alleged nuisance by piano playing. The judge was shown four graphs indicating the date, number and duration of the defendant's piano sessions. The entries on the graphs were made daily, the dates being entered on the left-hand side and the times at which the piano started and finished being entered along the top. The plaintiff got his injunction, in spite of a difference of opinion as to whether the defendant played Mozart or "In a Monastery Garden," and the defendant was limited to practising one hour in the morning and one hour in the afternoon. The method of proof by graph is one which will no doubt be copied in future cases of this type, for it almost completely removes the danger that the plaintiff may be considered, especially having regard to certain entries in his diary, altogether too fussy and irritable. A graph, being impersonal and objective, does not record the maker's language and expletives.

THE DEFINITION OF "ROAD"

IT is proposed in this article to consider the meaning of the term "road" in the Road Traffic Acts and the Road Transport Lighting Acts, with particular reference to private roads and parking places.

The Road Transport Lighting Act, 1927, s. 15, defines "road" as meaning "any public highway and any other road to which the public has access," while the Road Traffic Act, 1930, s. 121 (1), defines "road" as meaning "any highway and any other road to which the public has access and includes bridges over which a road passes." Public bridges are highways so far as the right of passage is concerned (Halsbury, 2nd. ed., vol. 16, p. 182). The definitions in both Acts are sufficiently similar for cases on the one to be of authority on the other also, but in other statutes the definition is narrower. Offences under the Vehicles (Excise) Act, 1949, for example, arise only on "roads repairable at the public expense" and offences under the Highway Act, 1835, on "highways repairable by the inhabitants at large."

Under the Road Traffic Act, 1930, s. 15, it is an offence to drive or attempt to drive or to be in charge of a motor vehicle "on a road or other public place" whilst under the influence of drink. By s. 29 it is an offence without reasonable cause to get on a motor vehicle or to tamper with its brake or mechanism whilst the vehicle is "on a road or on a parking place provided by a local authority." The sections of the Road Traffic Act, 1930, creating other common offences, such as driving while disqualified (s. 7), exceeding the speed limit (s. 10), dangerous and careless driving (ss. 11 and 12), not reporting accidents (s. 22), use without third-party insurance (s. 35), etc., can only arise, however, in respect of incidents "on a road," as can offences under the Motor Vehicles (Construction and Use) Regulations, 1951, save that certain provisions only apply on highways (reg. 4 (4)). Offences under the Road Transport Lighting Acts arise only on "a road."

First, the decisions of the High Courts of England and Scotland as to what can be included in the term "road" will be examined.

The Town Police Clauses Act, 1847, s. 3, defines "street" as extending to and including any road, square, court, alley, and thoroughfare, or public passage. In *Curtis* v. *Embery* (1872), L.R. 7 Ex. 369, a carriage plied for hire on a piece of ground belonging to a railway company and situate between the public highway and the station. It was held that this piece of ground was not a road, as the Act manifestly refers to roads which the public have a right to use for passage, or otherwise the inclosure of a square would be within it. The company could shut the public out by erecting a fence at any time. This case was followed in *Jones* v. *Short* (1900), 64 J.P. 247.

In *Marks* v. *Ford* (1880), 45 J.P. 157, an unenclosed space in the middle of a public square was used as a cab-stand and, when no cabs were there, the public passed over it. The boundaries of the space were shown by a border of pebbles level with the ground. It was held to be part of the "street" under the Town Police Clauses Act, 1847.

In *Caledonian Railway Co.* v. *Turcan* [1898] A.C. 256 an access road on private land was held not to be a road within the meaning of the Railway Clauses Consolidation (Scotland) Act, 1845, ss. 46 and 49. The Earl of Halsbury, L.C., said that the foundation of any proceedings in relation to those sections was that there should be a road and the piece of land was, in his opinion, part of the curtilage of the house and as much a part of the house as the hall. The path leading

from the house to the front gate was no more a road than any other part of the house, within the meaning of the sections in question.

In *Hares* v. *Curtin* [1913] 2 K.B. 328, school-attendance byelaws provided as an excuse for not going to school the absence of a school within three miles " measured according to the nearest road from the residence of such child." It was held that cart-tracks, which were not public highways but went through fields, were included in the measurement, i.e., the track was a road. The byelaws did not define " road."

In *Bryant* v. *Marx* (1932), 96 J.P. 383; 76 SOL. J. 577, a case of obstruction in which the definition of " road " in the Road Traffic Act, 1930, s. 121, applied, it was held that the term included the footway as well as the carriageway.

In *Harrison* v. *Hill* [1932] S.C. (J.) 13 the defendant drove, while disqualified from driving, along a road which was part of a farm and led only to a farmhouse from the public highway. (He had not driven on the highway.) The road had no other houses upon it and was maintained by the farmer and not by a public authority. There was no gate at the entrance from the highway and no indication that it was not open to the public save that a pole was sometimes placed across the entrance to prevent the straying of cattle. The public used the road as an access to the farm and people with no business at the farm frequently walked on the road, though the farmer had several times turned them away when there were growing crops. The High Court of Justiciary held this to be a road to which the public has access under s. 121 of the 1930 Act. Lord Clyde said that the class of road intended (by s. 121) is wider than the class of public roads to which the public has access in virtue of a positive right belonging to the public by statute or prescription. A road might therefore be within the definition although it belonged to the class of private roads and although all that could be said with regard to its availability to the public was that the public " had access " to it. He continued:—

> " I think that, when the statute speaks of 'the public' in this connection, what is meant is the public generally, *and not the special class of members of the public who have occasion for business or social purposes to go to the farmhouse or to any part of the farm itself; were it otherwise, the definition might just as well have included all private roads as well as all public highways.*
>
> " I think also that, when the statute speaks of the public having ' access ' to the road, what is meant is neither (at one extreme) that the public has a positive right of its own to access, nor (at the other extreme) that there exists no physical obstruction, of greater or less impenetrability, against physical access by the public; but that the public actually and legally enjoys access to it. It is, I think, a certain state of use or possession that is pointed to. There must be, as matter of fact, walking or driving by the public on the road, and such walking or driving must be lawfully performed—that is to say, must be permitted or allowed, either expressly or implicitly, by the person or persons to whom the road belongs. I include in permission or allowance the state of matters known in right of way cases as the tolerance of a proprietor. The statute cannot be supposed to have intended by public ' access ' such unlawful access as may be had by members of the public who trespass on the property of either individuals or corporations.
>
> " In arriving at these conclusions I am partly influenced by the broad consideration that, as the statute is intended for the protection of the public, it is natural to suppose that the statutory traffic regulation should apply to any road on which the public may be expected to be found. Hence the inclusion of such private roads as the public (generally) is, as matter of fact, allowed to use, and the exclusion of those which the public (generally) cannot lawfully use at all. . . . *Thus, the private avenue leading from a public highway to a private residence or a public institution, although prima facie a road to which the public (generally) does not lawfully have access,* may become such when—or so long as—the owner or owners by reason of goodwill or otherwise allow them to have it."

Lord Sands said that the object of the Road Traffic Act was the protection of the public and it extended to all roads on which the motorist might encounter members of the public. In his view, any road might be regarded as a road to which the public have access when members of the public are to be found upon it who have not obtained access either by overcoming a physical obstruction or in defiance of a prohibition express or implied.

In *Davidson* v. *Adair* [1934] S.C. (J.) 37 the defendant was charged with quitting a motor vehicle on a road without having set the brake contrary to the Motor Vehicles (Construction and Use) Regulations, made under the Road Traffic Act, 1930. The car had been left in a private drive at the side of 54 Paisley Crescent, Edinburgh, on which crescent the drive abutted. The drive was shut off from the highway by a gate, which was usually kept closed, and members of the public had no right to use the drive; tradesmen and others seeking access to the house generally used another path. Obviously, of course, anyone could walk up this drive without trespassing, so long as he was not expressly forbidden by the occupier and was on lawful business at the house. It was held that the drive was a " road." Lord Aitchison said that it was enough if a member of the public could be on the road without trespassing or contravening an express prohibition. It would be an " impossible view to take " that a person could drive a car as recklessly or as negligently as he liked in an avenue in his own grounds without contravening the Road Traffic Act, 1930, ss. 11 or 12. Lord Aitchison added that, in his view, an offence was committed under the regulation in question if a car was left improperly braked on an open space, common or public shore as well as on a road. Lord Anderson thought, as regards the latter view, that the regulation only applied on a road and not on a common or seashore. He agreed, however, that the drive was a road to which the public had access, and quoted from the judgment of Lord Sands in *Harrison* v. *Hill*, *supra*. Although the court cited *Harrison's* case with approval, their decision seems to conflict with the italicised parts of Lord Clyde's judgment in that case (see *supra*).

In *Bugge* v. *Taylor* [1941] 1 K.B. 198; 85 SOL. J. 82, the defendant was charged under the Road Transport Lighting Act, 1927. He had left his vehicle in the forecourt of the Cock Hotel, High Street, Sutton, Surrey. The forecourt was the private property of the hotel, about 69 feet long, bounded on one side by an island public pavement and open to the High Street at both ends; there was no wall or other obstruction to prevent the public going over the forecourt or to separate it from the High Street. Pedestrians used the forecourt in every direction not only to reach the hotel but also to shorten the distance when walking from High Street to Carshalton Road; sometimes vehicles also had been over it. Lord Caldecote, C.J., in a very short judgment—the only one delivered—referred with approval to *Harrison* v. *Hill*, *supra*, and said that the magistrates had decided that the forecourt was a road and, in his opinion, there was plenty of material on which they could properly come to that conclusion.

In *O'Brien* v. *Trafalgar Insurance Co., Ltd.* (1945), 109 J.P. 107, the question was whether a roadway inside an ordnance factory was a road under the Road Traffic Act. No persons except pass-holders were admitted inside the factory area and police at the gates prevented anyone without a pass from entering. Stable, J., had said that in his view " access " in s. 121 meant not merely access of right but the opportunity of entering the area without prevention or interference. The " public," he held, could not be said on those facts to have access to the factory area. The Court of Appeal upheld his decision, without giving any reasoned judgments.

In *Purves* v. *Muir* [1948] S.C. (J.) 122 a courtyard off a causeway road, which road itself ran off from the highway, was held on the facts not to be a " road " under the Road Traffic Act. Lord Thomson said :—

> " [The courtyard] may permit access to these premises, but it is not the sort of mode of communication which one would describe in ordinary speech as a road to these premises. The mere possibility of access, even of vehicular access, is not enough. The sheriff seems to have proceeded on the consideration that the public may encounter vehicles on it—that is perfectly true—but that is not enough to make it a road. If that view were right, then any piece of ground to which the public had access and on to which a vehicle could be driven would be a road. The consideration that the public may encounter vehicles is only of significance after it has been held that there is something which can be regarded as a road. One has first of all to find a road and then to ask if it is a road to which the public have access."

Lord Jamieson concurred on the facts but added that there might be other courtyards which could properly be described as roads within the sense of the statute.

In *Thomas* v. *Dando* [1951] 2 K.B. 620 the defendant, who was charged under the Road Transport Lighting Act, had left his car on an unpaved area, adjoining the forecourt of his shop. The pavement and kerbstone lay between the unpaved area and the highway (Pantbach Road, Cardiff) and no wall or fence separated the pavement from the area, though previously there had been one. Customers often crossed the unpaved area and forecourt to enter the shop. It was held that this area was not a " road." Lord Goddard, C.J., distinguished *Bugge* v. *Taylor*, *supra*, by pointing out that there the hotel forecourt, though private property, was used by the public, with the owner's permission, for walking and driving not necessarily connected with the hotel at all. The owner of the hotel allowed it, said Lord Goddard, to be used as though it were part of the road and it was never laid down in *Bugge's* case that a place must be a " road " merely because it is not walled-off or railed-off from the highway. In *Dando's* case it was impossible to hold, he continued, that this small forecourt, which was used only by customers of the shop and was private property, was a " road " for the purposes of the Road Transport Lighting Act. *Davidson* v. *Adair*, *supra* (the private drive case), was not cited.

The pre-1932 cases cited above, of course, were not on the special definitions of " road " given in the Acts of 1927 and 1930 and have been mentioned only to give some guidance where the statutory definition is insufficient. The Scottish decision that a private drive can be a road (*Davidson* v. *Adair*, *supra*) may be thought to go very far and to be inconsistent with *Thomas* v. *Dando*, *supra*, where a forecourt used by members of the public to go to a shop, i.e., where the public in general were invited to go and not separated from the public pavement by a wall or rail, was held not to be a " road," while in *Davidson's* case there was a gate usually shut and people with business at the house used another path. Indeed, *Davidson's* case, as has been pointed out, seems inconsistent with the judgment of Lord Clyde in the earlier Scottish decision of *Harrison* v. *Hill*, *supra* (the farm road case). Lord Clyde seems to have implied that a private avenue or drive would not normally be a " road " under the Road Traffic Act unless the owner had done something to let the public in general, as opposed to persons having business at his house, use it ; the public in general would be, for example, the walkers whom the farmer in *Harrison's* case had let wander along his road or persons coming to inspect a country house thrown open to the public. It seems therefore doubtful whether a private drive in England would necessarily be deemed to be a road under the Acts of 1927 and 1930, although, of course, it would be one during times when the public in general were invited to use it, e.g., the private drive leading to a country house when a fête was being held there and (possibly) the drive leading to a hospital during visiting hours (cf. *Sewell* v. *Taylor* (1859), 23 J.P. 792, private house where public auction being held deemed a place of public resort under the Vagrancy Act, 1824, s. 4, and *R.* v. *Collinson* (1931), 23 Cr. App. R. 49, private field where public invited to watch racing deemed to be a " public place " under the Road Traffic Act, 1930, s. 15, although the field could be closed at any time and right of admission was reserved).

The statutory definitions make it clear that the Acts of 1927 and 1930 will generally apply to roads on a building estate although they may not have been taken over by the local authority.

Turning to car parks, those which are established on a highway are obviously on a road, so that all the provisions of the Road Traffic and Road Transport Lighting Acts will apply in respect of them ; by reg. 18 of the Road Vehicles Lighting Regulations, 1950, however, a chief officer of police, if satisfied that any part of a road specially set apart for parking or as a taxi-stand is adequately lighted, may consent to its use by vehicles without lights. The Road Transport Lighting (No. 2) Act, 1953, also enables regulations to be made exempting vehicles from carrying lights when standing within 100 yards of a street lamp or on road verges or in places specially set aside for the purpose.

If the car park is off the highway, it does not seem to matter, for the purpose of the question under discussion, whether it is one provided by a local authority or by a private person, such as an innkeeper or cinema owner, so long as it is open to the public. The question might be affected if a park was specifically reserved for users of the premises only but one knows that, in fact, many such parks, despite reservation notices, are used by the public in general. No one would say, it is submitted, that a car park which runs back from the building-line of a street is part of that street, but it can be argued that such a park is a " road " on its own so as to render a user of it liable to prosecution for careless driving, uninsured use, not reporting an accident, etc. A car park is undoubtedly a " public place " under the Road Traffic Act, 1930, s. 15, which strikes at driving under the influence of drink (*Elkins* v. *Cartlidge* [1947] 1 All E.R. 829 ; 91 Sol. J. 573).

The Concise Oxford Dictionary defines " road " as a " line of communication between places for the use of foot-passengers, riders and vehicles." In favour of the view that a car park off the highway is a " road," it is argued that the public have access to it, that it could generally be used by learner-drivers, without objection, to practise reversing, etc.,

and by all drivers to turn round or take short cuts, and that from the entrance of the park there is communication with all other parts of the park—some parks might even have the roadway parts shown by fences or white lines.

There are, however, strong arguments for the view that such a park is not a road. Firstly, the court will look at the normal meaning of a word, and no reasonable man would say that a car park is a road, for the simple reason that it is a car park. As was said in *Purves* v. *Muir, supra* (the court-yard case), one must first find a mode of communication which can be described in ordinary speech as a road. Secondly, the Road Traffic Act, 1930, by its references in s. 15 to " road or other public place " and in s. 29 to " road or parking place provided by a local authority " itself seems to distinguish between roads on the one hand and car parks and other places on the other. If Parliament had desired to apply the careless driving and other provisions of the Act to car parks, it could easily have said so; as it has not, the presumption is in favour of the interpretation that will favour the subject (*R.* v. *Chapman* [1931] 2 K.B. 606). (It can be argued in reply to the second point that there can be public places which are not car parks and (less strongly) that s. 29 was worded as it is to show that only certain types of car parks are protected.) Lastly, it is surely the universal practice to extinguish vehicle lights in a car park, without waiting to enquire whether the chief officer of police has consented to vehicles standing there unlit. Can anyone recall a prosecution for having no lights in a car park, not being part of a highway ? And do chief officers of police regard it as necessary to consent to unlit vehicles standing in such car parks, pursuant to the Road Vehicles Lighting Regulations ? It would be surprising to hear that " Yes " is the answer to either question, although perhaps no more surprising than to hear that a private drive has been held to be a road within the meaning of the Road Traffic Act.

Harrison v. *Hill, supra* (the farm road case), was on the definition in the Road Traffic Act, but the King's Bench Division cited it with approval in two cases under the Road Transport Lighting Act. It seems therefore that the two definitions will be interpreted in the same way, but it is possible that the court may distinguish between the two Acts or even between different sections of the Road Traffic Act on the ground of the difference in the mischiefs at which they strike.

G. S. W.

LIABILITY OF HOSPITAL AUTHORITIES—II

In the first article on this subject it was demonstrated that for many years it was believed to be the law that a hospital authority were not liable for the negligence of persons working for them in the hospital unless such negligence could be brought within the heading of " routine " or " administration." In *Gold's* case in 1942 it was established that this was a mistaken view and that the hospital were liable for the negligence of nurses and radiographers and in fact for all persons, other than doctors, carrying out either routine or professional duties who were employed by the hospital authority.

In 1947 in *Collins* v. *Hertfordshire County Council* [1947] K.B. 598, there were allegations of negligence against a house surgeon and an operating surgeon. It was also alleged that the county council in their management of the hospital were permitting a dangerous and negligent system to be in operation. It so happened that the house surgeon was at the relevant time not a qualified person. The operating surgeon was a part-time employee on the staff of the defendant county council, while the house surgeon was a whole-time employee. Hilbery, J., pointed out in his judgment that the position of a house surgeon employed whole-time by the hospital authority had been left open by *Gold's* case. He went on to say that in the present case a part of the amenities of the hospital offered to a person resorting to it for treatment and accommodation was the presence at all times on the premises of a resident medical officer, and he held that the acts of that medical officer done in the course of treatment of the patient were acts for which the hospital were responsible.

Hilbery, J., then went on to consider the position of the operating surgeon who came to the hospital only part-time. He suggested that the operating surgeon in this case was not in precisely the same situation as a consulting surgeon on the staff of one of the teaching hospitals. The operating surgeon in this case was, in fact, under contract and had signed a form similar to that signed by the house surgeon which stated quite clearly that he was employed as a temporary part-time employee undertaking specifically to attend at certain times on certain days at a certain salary. The result was that Hilbery, J., was very doubtful whether the hospital were not in the circumstances also vicariously responsible for the omissions of the operating surgeon. However, he did not go so far as to hold that they were, and although he held that the hospital were responsible for the negligence of the house surgeon he refused to hold them responsible for the negligence of the part-time operating surgeon. The grounds upon which he did so were that the authority could not control how he was to perform his duties. They could not even say what he should or should not do. They could not order him to do an operation. On the other hand, the learned judge thought that to a very great extent the hospital authority could say how the house surgeon should perform her work.

This case left the law in an unsatisfactory state, since the distinction between a whole-time house surgeon and a visiting operating surgeon, especially when the latter is under contract, is very difficult to define.

The next important case in which the question of the status of doctors arose was *Cassidy* v. *Ministry of Health* [1951] 2 K.B. 343. In this case, negligence was alleged against a whole-time assistant medical officer of a hospital, but no question arose of negligence on the part of a visiting surgeon or indeed on the part of anyone who was not employed whole-time by the hospital authority. The Court of Appeal had little difficulty in approving *Collins'* case on the basis, as stated by Somervell, L.J., that the hospital was responsible for all those in whose charge the plaintiff was: the surgeon, doctor and nurses. The case, however, is chiefly remarkable for some observations by Denning, L.J., who admittedly went very much further than was necessary for the decision in the case, but who indicated the lines on which at least one judge would decide a case where negligence is alleged against a part-time consultant. In the course of his judgment Denning, L.J., said this :

> " . . . authorities who run a hospital, be they local authorities, government boards or any other corporation, are in law under the self-same duty as the humblest doctor. Whenever they accept a patient for treatment, they must use reasonable care and skill to cure him of his ailment. The hospital authorities cannot, of course, do it by themselves. They have no ears to listen through the stethoscope and no hands to hold the knife . . . Yet for

over thirty years—from 1909 to 1942—it was the general opinion of the profession that hospital authorities were not liable for their staff in the course of their professional duties . . . Where . . . the doctor or surgeon, be he a consultant or not, is employed and paid, not by the patient but by the hospital authorities, I am of the opinion that the hospital authorities are liable for his negligence in treating a patient. It does not depend on whether the contract under which he was employed was a contract of service or a contract for services. That is a fine distinction which is sometimes of importance, but not in cases such as the present where the hospital authorities are themselves under a duty to use care in treating the patient."

These extracts from the judgment of Denning, L.J., are of course *obiter* so far as part-time consultants are concerned but there is no doubt that they are entitled to the very greatest consideration, although at the moment they can only be regarded as very strong persuasive authority. Right or wrong, the views contained in them constitute a coherent and logical statement of what in his view the law should be.

In *Roe* v. *Minister of Health* [1954] 2 W.L.R. 915; *ante*, p. 319, allegations of negligence were made against an anæsthetist. In the event these allegations were not found to be proved, but it was the opinion of Somervell, L.J., that the anæsthetist was on the permanent staff of the hospital. McNair, J., had held in the court below that the Ministry of Health were not responsible for the acts of the anæsthetist who, as a specialist, was in a position comparable to that of a visiting surgeon or physician for whose acts a hospital does not admit responsibility in law. The case is, therefore, of very little help in reaching a final conclusion about the vicarious liability of hospital authorities for the negligence of visiting surgeons and other specialists. Denning, L.J., in the course of his judgment, repeated his view that it mattered not whether the anæsthetist was on the permanent staff or a visiting specialist. He said that the hospital authorities are responsible for the whole of their staff, not only for the nurses and doctors, but also for the anæsthetists and the surgeons, and that it does not matter whether they are permanent or temporary, resident or visiting, whole-time or part-time. The only exception Denning, L.J., would make is in the case of consultants or anæsthetists selected and employed by the patient himself, and he adhered to all he said in *Cassidy's* case.

Denning, L.J., moreover, was not the only member of the court who inclined to this view. It should be remembered that the facts of the case arose before the National Health Service Act, 1946, came into operation, but this appears to have made no difference to the result. Somervell, L.J., said: ". . . I would have regarded [the anæsthetists] as part of the permanent staff and, therefore, in the same position as the orthopædic surgeon in *Cassidy's* case. Like him they are, of course, qualified, skilled men, controlling as such their own methods. The position of surgeons and others under the National Health Service Act will have to be decided when it arises. The position of hospitals under that Act may or may not be different from when they were voluntary or municipal hospitals." Morris, L.J., said: ". . . the hospital was assuming the obligation of anæsthetising the plaintiffs for their operations. I consider that the anæsthetists were members of the 'organisation' of the hospital; they were members of the staff engaged by the hospital to do what the hospital itself was undertaking to do. The work . . . was work of a highly skilled and specialised nature, but this fact does not avoid the application of the rule of *respondeat superior*."

As has been seen, no negligence was found so that it might be contended that these observations were *obiter*, particularly since Somervell, L.J., expressly reserved the question of the position of doctors under the National Health Service. Nevertheless, almost all judicial opinion seems to be tending in the direction of regarding the hospital as the body undertaking to do a certain piece of work through the agency of experts. This is diametrically opposed to the former view that all a hospital did was to provide the premises and administration within which experts carried out their work without any liability for them resting on the hospital.

By the National Health Service Act, 1946, almost all the hospitals in the country were nationalised and ceased to be charitable institutions dependent on philanthropy; even before that many of them were financed and run by local authorities, but from July, 1948, any natural sympathy for charitable bodies ceased to protect any nationalised hospital. By the Crown Proceedings Act, 1947, any legal bar in the way of suing the Crown was removed so that the hospitals did not gain by ceasing to be charitable and by becoming emanations of the Crown. By the Legal Aid and Advice Act, 1949, those who might be unable or unwilling to sue the Crown through lack of means were provided by Parliament with the money, or part of the money, to enable them to do so, while by the Law Reform (Limitation of Actions, etc.) Act, 1954, public bodies, including the Crown and hospitals, ceased to enjoy any protection over and above other persons. A great deal is heard about the diminution of the liberty of the subject; it cannot be contended that it has diminished so far as his liberty to sue hospitals is concerned and it is hardly surprising that the number of actions against hospitals has increased.

P. A. J.

LAND REGISTRATION: THE CASE AGAINST EXTENSION

[The view has recently been advanced in these columns (p. 614, *ante*) that, as a means, *inter alia*, of reducing conveyancing costs, the profession should give its support to the extension of compulsory registration of title. It is already clear from readers' letters subsequently published (pp. 633, 634, *ante*, and p. 650, *post*) that this view is far from commanding universal assent, and the present article suggests some of the reasons.]

As far back as 1536 the Statute of Enrolments required a "bargain and sale" of freeholds to be enrolled. However, the device of "lease and release" (attributed to Serjeant Moore) successfully evaded the Act, which soon became a dead letter. Then came the remarkable achievement of the Law Committee appointed by the Barebones Parliament, who, in 1653, proposed that a universal register of titles should be established in which every incumbrance and conveyance affecting land should be entered. (The above information has been obtained from Dr. Jenks's History of English Law.) This proposal led to the establishment of the Yorkshire and Middlesex registers of deeds, of which the Yorkshire register alone survives. But despite the proved utility of the registers the system was not extended to other counties. This is to be regretted, as it is probable that an extension of the Acts would have met the demand for the more elaborate system of registration of titles. However, a system whereby land would be transferable "across the counter" has always been the aim of social reformers, and the first step in this direction was the enactment of the Land Registry Act, 1862. The Act was

but little used, and cases have occurred where registration under the 1862 Act has been forgotten or ignored, with the result that a subsequent purchaser has found that someone else was registered with an indefeasible title. This risk can, of course, be avoided by a search of the Index Map showing all land having a registered title.

The Land Transfer Act, 1875, suffered the same fate as the earlier Act and met with little response from landowners. Perusal of the Act shows no obvious reason for its failure. Possessory titles were allowed, and as, except in the case of fraud, rectification of the register took effect "subject to any estates or rights acquired by registration" (s. 95), the title of the registered proprietor was more secure than under the present Act. Its failure was, no doubt, due to the absence of compulsion and to the natural preference of the legal profession for a system with which they were familiar.

Then came the Land Transfer Act, 1897, which extensively amended the 1875 Act and contained provisions for making registration compulsory.

The Land Registration Act, 1925, brought the system into line with the Property and other Acts passed in 1925. The Act made no fundamental changes, except that by s. 69 (4) the estate vested in the registered proprietor can only be disposed of by him in manner authorised by the Act. This enactment overruled the decision in *Capital & Counties Bank* v. *Rhodes* [1903] 1 Ch. 631 that under s. 47 of the 1875 Act (which was not affected by the 1897 Act) registered land could "be dealt with by deeds having the same operation and effect as they would have had if the land were unregistered."

In 1951, Mr. Neville Gray, Q.C., was appointed by the Lord Chancellor to hold a public inquiry as to the desirability of extending compulsory registration of title on sale to the county of Surrey. Mr. Gray concluded that such extension was desirable. His advice was accepted, and it may be taken as certain that compulsion will be further extended (as it already has been to the city of Oxford). It is, however, useful to examine Mr. Gray's report. He found that "it was established by evidence that under the existing law and practice there still are certain matters in relation to which registration of land is not entirely satisfactory and in relation to which the position of an unregistered owner is more satisfactory. They relate chiefly to (*a*) overriding interests which are not entered in the register, and (*b*) the recording in the register of easements and restrictive covenants and to a lesser extent positive covenants." The Chief Land Registrar has since appointed an advisory committee to consider these defects, and he states in his report for 1953–54 that the Council of The Law Society have arranged for practice notes embodying the Committee's decisions to be published in the Society's *Gazette*. (The first batch was published in the January, 1954, issue of the *Law Society's Gazette*.) It is to be hoped that these decisions will be published by the Stationery Office so as to be accessible to the whole legal profession.

Mr. Gray summarised his conclusions as follows:—

"(*a*) As between dealings with registered and unregistered land the simplification of title and the reduction in cost are both materially less now than was the case in 1925, and the difference in both respects is likely to become even less. But the registered title still remains simpler and the registered transfer cheaper and as far as can be seen this will continue to be the case.

(*b*) A registered transfer has not been and is never likely to be simplified to such an extent as to be comparable to a transfer of shares. The purchaser of registered land still cannot prudently dispense with legal advice: but he does get a title in a form which is to a great extent free from legal technicalities, and of which he can understand the main features.

(*c*) The state guarantee does in the great majority of cases afford complete security of title with, in the alternative, adequate compensation.

(*d*) To the average purchaser, and especially to the small purchaser, these advantages are, in my opinion, of great value."

The value of registration for the owner of a building estate which he intends to resell in small lots may be conceded. But, with all respect to Mr. Gray, it is difficult to see what benefit "the small purchaser" obtains by first registration. All that registration does is to guarantee his title and to simplify investigation of title by subsequent purchasers. In practice, the value of the guarantee is infinitesimal as the risk of the purchaser obtaining a defective title is negligible. Nor can it be supposed that registration will increase the sale value of the land. It may also be observed that such defects in title to unregistered land as do occasionally occur are usually due to "overriding interests" which are not covered by the state guarantee.

Advocates of compulsory registration usually ignore the fact that registration of title leaves the technicalities of conveyancing and real property law virtually untouched. Leases, mortgages, settlements, assents and appointments of new trustees all require to be considered and drafted with the same care as in the case of unregistered land. The draftsman of the Land Registration Act, 1925, was right to delete the word "Transfer" from the short title. Here it may be suggested that the best way to reduce the cost of dealings with land is to simplify some of the more esoteric provisions of the 1925 Acts.

The report of the Chief Land Registrar for 1953–54 shows that out of 33,703 first registrations effected in 1953 only 2,615 were in non-compulsory areas. He also observes that: "Another area which is being registered voluntarily is the new town of Bracknell." This confirms the view that, without the aid of compulsion and except in the case of land owned by public bodies, registration of title would make slow progress.

It may be true that registration of title will ultimately be of benefit to the community. But why should registration be forced on small purchasers who will not personally gain any real benefit thereby? If compulsion is necessary *pro bono publico*, surely the public should pay and the fees on first registration of land of small value should be remitted.

L. H. E.

OBITUARY

MAJOR V. H. DICKSON

Major Vincent Hamilton Dickson, D.S.O., solicitor, of Chester, died on 30th August, aged 78. In 1939 he became president of the Chester and North Wales Law Society and he was, during the recent war, a member of the Court of Referees. He was admitted in 1899 and at the time of his death was the senior practising solicitor in Chester

MR. D. T. N. WADE

Mr. David Treharne Newton Wade, retired solicitor, of Newport and Machen, died recently, aged 83. He was a past president of Monmouthshire Law Society, and for fifty-one years was clerk to the governors of Pontywaun Intermediate School (now Pontywaun Grammar School). He was a member of the Governing Body of the Church in Wales. He was admitted in 1893.

Landlord and Tenant Notebook

THE LANDLORD AND TENANT ACT, 1954—IV

PARTS III AND IV

PART III of the new Act makes a few amendments in the law relating to compensation for improvements (Landlord and Tenant Act, 1927, ss. 1, 3); Pt. IV deals with a considerable variety of matters.

Some of the amendments made by Pt. III are consequential, being connected with the security of tenure provisions of Pt. II. Sections 1 to 3 of the 1927 Act are not repealed, but a tenant's claim can now be made, in the case of a *periodic* tenancy, within three months from the service of a notice under Pt. I or Pt. II: e.g., landlord's notice proposing statutory tenancy of residential property following long tenancy at low rent, or intimating intention to claim possession; tenant's notice terminating such tenancy; notices terminating business premises tenancies; except that when a tenant terminates by request for a new tenancy of business premises, the three months run (i) from the date on which, if the landlord does give notice of intention to oppose any application, he gives such notice, or (ii) from, if the landlord does not give such notice, the latest date on which he could have given it. (I omit special provisions relating only to cases in which public authorities are concerned.) In the case of a *fixed term* tenancy a claim can now be made between six and three months before the term expires (under s. 1 of the 1927 Act it was thirty-six and twelve).

The above is the general effect of s. 47 (1), (2) and (5) of the new Act; subss. (3) and (4) indirectly introduce a new right by providing that in the event of forfeiture the tenant is to have three months in which to claim compensation from the "effective" date of the order of court for the recovery of possession—which means the date on which it is to take effect or the latest day for appeal, whichever is later; and that in the case of re-entry, he is to have three months beginning with the date of re-entry. (Such re-entry is, of course, possible only in the case of forfeiture for non-payment of rent: Law of Property Act, 1925, s. 146 (1), (11)). It is because, under s. 1 of the 1927 Act, the claim, in cases of termination by notice, had to be made within one month after service of notice, and in any other case always before the termination of the tenancy, that this provision indirectly creates a new right. Under the old law, the right to compensation would be destroyed by forfeiture, just as the right to remove fixtures was destroyed: *Pugh* v. *Arton* (1869), L.R. 8 Eq. 626.

Section 48 (1) modifies the law relating to improvements carried out by tenants in pursuance of statutory obligation: these may now give rise to claims, and the landlord is given no right to object, but the tenant must still serve the notice of intention and pay for a certificate of execution. The second subsection will entitle tenants, in future, to claim for improvements made at any time, the "three years before termination" condition being abolished. Section 48 (3) does away with the landlord's right to meet the claim by an offer of a new tenancy at a reasonable rent; and s. 49 abolishes the proviso to the contracting-out prohibition in s. 9 of the Act of 1927; in the case of a tenancy made on or since 10th December, 1953, it will be no answer to a claim to show that deprivation of the right was made for adequate consideration.

Part IV of the Act is headed "Miscellaneous and Supplementary"; it includes three lengthy sections by which, as regards Pt. II of the statute (security of tenure for business tenants) the Crown, statutory undertakers, public authorities, etc., are given privileges not accorded to private landlords. I do not propose to go into these in detail, as comparatively few people will be affected; but the existence of ss. 56–58 should be noted by anyone who has anything to do with properties owned by official bodies. I also omit discussion of provisions as to jurisdiction, service of notices, etc., contained in the concluding sections, preferring to concentrate on changes in substantive law.

The first section in the Part, s. 51, extends the scope of the Leasehold Property (Repairs) Act, 1938, a measure which was passed, it will be remembered, to curb the activities of purchasers of reversions of small dwelling-houses, said to exploit repairing covenants and forfeiture clauses by *in terrorem* tactics. It provided that in the case of a house rated at not more than £100 held under lease for twenty-one years or more the lessee, on receiving, while five years or more of the term remained, a forfeiture notice under s. 146 of the Law of Property Act, 1925, based on disrepair, might serve a counter-notice; and that a claim for damages for disrepair made within that period had to be accompanied by notice under s. 146, which would also entitle the tenant to serve a counter-notice; and that the court, when considering the question of leave, had to be satisfied that immediate remedy was necessary to prevent substantial diminution in value of the reversion, or was called for by one or more of a set of other circumstances. Section 51 extends the scope in more than one dimension; all properties except agricultural holdings are now within the purview of the 1938 Act; it applies to terms of not less than seven years, and when as little as three years remain unexpired.

Section 84 (12) of the Law of Property Act, 1925, providing for the discharge or modification of "obsolete" restrictions, is amended by s. 52; as it stood, the term had to be at least a seventy year one, with fifty years expired; the figures are now forty and twenty-five respectively. It will be remembered that the Lands Tribunal Act, 1949, made the power to modify exercisable by the Lands Tribunal (see *ante*, p. 629).

Then s. 53 confers jurisdiction on county courts to decide by declaration whether a landlord's consent to alienation, improvement or change of user is unreasonably withheld, whatever be the value of the property or the rent payable, and whether other relief is sought or not. A tenant confronted with a refusal which he considers unreasonable can, of course, always take the risk of going on with his proposal (in the case of alienation, it means persuading the intended assignee or subtenant to share his views), but cannot, unless the lease or agreement so provides, claim damages for the unreasonable refusal: *Treloar* v. *Bigge* (1874), L.R. 9 Ex. 151. It is always safer to seek a declaration, so the change will benefit some tenants who might have to take proceedings in the High Court in order to ascertain their rights.

The Act then does something for landlords, namely, for those who have let property by periodic tenancies and are unable lawfully to recover possession because they cannot find the tenant. In such a case, provided that neither the tenant nor any person claiming under him has been in possession for six months, during which period no rent has been paid, a court may, by s. 54 of the new Act, "if it thinks fit," by order determine the tenancy. The new provision does not seem to be a very great improvement on the Distress for Rent Act, 1737, s. 16, as amended by the Deserted

Tenements Act, 1817 (reducing the period from twelve to six months), but dispenses with the necessity of proving that there is no sufficient distress to countervail the arrears of rent, and will apply to occupied premises provided that the occupier does not claim under the tenant. What a landlord can do when the premises are occupied, but by a trespasser, remains, it would seem, a problem: see 95 SOL. J. 117, in which the difficulties confronting landlords in these cases were examined.

One other provision which I propose to touch upon is that contained in s. 55, by which a tenant of business premises who is refused a new tenancy, or against whom an order for possession is made, is given a right to compensation if it subsequently transpires that the court was influenced by misrepresentation or by concealment of material facts. The section runs parallel to s. 5 (6) of the Increase of Rent, etc., Restrictions Act, 1920, applicable to cases in which possession of controlled premises has been obtained on the ground that the landlord wanted the house for his own occupation, etc.: *Thorne* v. *Smith* [1947] K.B. 307 (C.A.) showed that the subsection would apply to a consent order, and also that fraud was not an essential element.

R. B.

HERE AND THERE

LAW-ABIDING INSTINCT

ON broad general lines we are, most of us, instinctively law-abiding. In the case of murder, arson, burglary, or pocket-picking we realise, even without resort to the precisions of legal text-books, that those are things that are not done, however great our natural inclination or however powerful the immediate temptation. If he falls in such matters as these, even the most ignorant citizen at least pays the law he has never studied the tribute of elaborate secrecy in the execution of his transgression. That is because crime, as understood by the ordinary man, even if it cannot coincide with the prohibitions of conscience, is at least very nearly related to them. It is at its peril that any State starts punishing people for doing things which they do not feel inside themselves are wrong. But in that respect modern legislation is constantly proceeding at its peril, extending the field of crime to cover the most varied and unexpected acts of social indiscipline. No doubt, when the population was quite thinly spread over the country, there was more elbow-room for harmless eccentrics and their gambols. Sleeping alone, you can roll and toss and snore and no one is going to object, but the necessity of accommodating so many mounting millions within the restricted confines of this little island acquaints us all with some very strange bedfellows (in a social sense) and for our common comfort I suppose we all have to submit to some regulations, even in matters where a sense of right and wrong is little or no help. Beyond a sense of right and wrong there is, no doubt, some help to be derived from a sense of social good manners, but even those have a somewhat ill-defined boundary and on that borderland it is always fascinating to see just where the courts will draw the line.

TRIPLE PARTNERSHIP

TWO recent cases, one English and the other American, have illustrated the point, though it is hard to draw from either any of those broad general principles beloved of casuists and text-book writers. Each case has the particular flavour of its own nation. In the English case, two of the three principal characters are animals, an unusually strong representation even in such an animal-loving island as ours, and two to one is a strong working majority. The triple partnership was operating in Oxford Street in close and profitable harmony. The goat was drawing a small cart. On the cart was a small barrel organ which the man was playing. On the barrel organ was a monkey collecting coins from an ever-gathering crowd and dropping them into a hat. In an English street the appeal was, of course, completely irresistible, but trouble came from its very success. Soon a large and eager crowd was blocking the pavement. That was an obstruction, and in due course the senior partner in the firm was summoned at Marlborough Street for having been the cause of it. He was fined ten shillings and one can only hope that on balance the day's trading showed a profit even after that deduction, for Oxford Street would be a sadder and a duller place if all hope of ever meeting a goat or a monkey there were for ever eliminated. One can congratulate the police, as did the magistrate, on their humanity in not charging the monkey with begging.

LUCKIER THAN ICARUS

IN America, despite its enormous population, there is still enough room for sturdy and even fantastic individualism in those who happen to be built that way. The Texan who lately flew under a couple of Thames bridges in an effort to impress the girl he wanted to marry was a fine upstanding example of the breed, but I far prefer the man from Albany, in New York State, who lately invented a flying machine of the most engaging description which ought to be the dream of every nursery and would be if the nursery were not now saturated by space fiction and jet-bomber literature. I think it was the Duke of Wellington who said that a great general was one who knew when to retreat and had the courage to do so. It is time that humanity recognised that it is time to retreat from the solemn, and shortly to become suicidal, foolery of faster-than-sound aircraft and had the courage to do so, returning to the older sanity of the idea of flying, not for murder, not for profit, not even to save time, but flying for fun—like the man from Albany. He built his flying apparatus with seventy red balloons, a chair, an anchor and a bicycle wheel. He filled the balloons with explosive gas; he provisioned himself with a meat sandwich; he kissed his wife goodbye; he sat in the chair and then up he went. "I got a bit scared above the clouds," he said afterwards. "The sun got so hot that some of the balloons began popping." But he escaped the fate of Icarus and came down safely in a cornfield thirty miles from his starting point. When he came down he was charged with flying without a licence and, as he could not raise the equivalent of £35 bail, he was taken to gaol. There the matter rests at present. You see what I mean. If one was so constituted that one wanted to play music in Oxford Street in company with a monkey and a goat or to go for a flight in a chair hung on seventy balloons, nothing inside oneself would cry out that it was wrong or even a social solecism. Icarus, had he survived, might have been arrested for impiety, but hardly on a licence point.

RICHARD ROE.

Mr. Lyon Clark, O.B.E., is to resign after fifty-seven years as deputy coroner and coroner at West Bromwich. When he was appointed, at the age of twenty-three, he was thought to be the youngest coroner in the country and he is now believed to be the oldest. He will continue to act as chairman of the West Bromwich Local Employment Committee.

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Bristol.—LALONDE, BROS. & PARHAM (Est. 1848), 64 Queens Road. Tel. 21331 (5 lines). And at Weston-super-Mare.

Bristol.—JOHN E. PRITCHARD & CO., F.R.I.C.S., F.A.I. (Est. 1790), Chartered Surveyors, Chartered Auctioneers and Estate Agents, 82 Queens Road, Bristol, 8. Tel. 24334 (3 lines).

Cheltenham.—G. H. BAYLEY & SONS, Chartered Auctioneers and Estate Agents, Valuers, 27 Promenade. Tel. 2102.

Cirencester.—HOBBS & CHAMBERS, Chartered Surveyors, Chartered Auctioneers and Estate Agents. Tel. Cirencester 62/63.

HAMPSHIRE

Aldershot.—ALFRED PEARSON & SON, Auctioneers, Estate Agents, Surveyors and Valuers, 136 Victoria Road. Tel. 17.

Aldershot and Surrey and Hants Borders.—KINGHAM & KINGHAM, Auctioneers, Estate Agents, Surveyors and Valuers, Bank House, Grosvenor Road, Aldershot. Tel. 653 (2 lines).

Alton.—CURTIS & WATSON, Auctioneers, Surveyors, Valuers and Land Agents, 4 High Street. Tel. 2261 (2 lines).

Andover.—F. ELLEN & SON, Land Agents, Auctioneers, Valuers and Surveyors, London Street. Tel. 3444 (2 lines).

Basingstoke.—SIMMONS & SONS, Surveyors, Valuers, Estate Agents and Auctioneers. Tel. 199.

Bournemouth.—FOX & SONS, Chartered Surveyors, Valuers and Auctioneers, 44/52 Old Christchurch Road. Tel. Bournemouth 6300 (6 lines). Branch Offices in all Bournemouth districts.

Bournemouth.—JOLLIFFE & FLINT, F.R.I.C.S., F.A.I., (Est. 1874), Surveyors, Valuers, Estate Agents, Echo Building. Tel. 36.

Bournemouth.—RUMSEY & RUMSEY, 111 Old Christchurch Road. Tel. Bournemouth 7080 (7 lines). 12 Branch Offices in Hants and Dorset and Channel Islands.

Farnborough.—ALFRED PEARSON & SON, Auctioneers, Estate Agents, Surveyors and Valuers, Clock House. Tel. 1.

Fleet.—ALFRED PEARSON & SON, Auctioneers, Estate Agents, Surveyors and Valuers, Fleet Road. Tel. 1066.

Fleet.—H. J. POULTER & SON, Estate Agents, Surveyors and Valuers, Central Estate Offices. Tel. 86.

Gosport.—LAWSON & CO., Estate Agents, Valuers, etc., 9 Brockhurst Road. Tel. 89566.

Gosport.—L. S. VAIL, F.R.I.C.S., Chartered Surveyor, 79 High Street. Tel. 8732.

Lymington and Milford-on-Sea.—JACKMAN AND MASTERS (Est. 1886). Auctioneers, Valuers, etc Tel. Lymington 792/3.

Lymington and New Forest.—HEWITT & CO., F.A.I., Chartered Auctioneers and Estate Agents, Surveyors and Valuers, High Street. Tel. Lymington 26.

New Milton and Barton-on-Sea.—HEWITT & CO., F.A.I., New Milton. Tel. 43.

(*continued on p. xiii*)

in a settlement made directly or indirectly *on behalf of the deceased . . .*" I cannot find any such words or meaning in the actual section as those which I have italicised. If they were there it would, I submit, make the apparent concession valueless. Surely all that has to be included to find the " estate by itself " is property comprised in a settlement made by or at the expense of the deceased, or property not so comprised of which he has been competent to dispose and has disposed, etc. ?

The same writer appears to repeat this interpretation of this important section in almost the same words on p. 113 of the newly published Estate Duty Notebook.

Hampstead, N.W.3. C. D. WICKENDEN.

G. B. G. writes :—

" In using the words ' settlement made directly or indirectly on behalf of the deceased or at the expense of the deceased ' I was at perhaps unnecessary pains to emphasise that the requirement could not be circumvented by the intending settlor procuring someone else to settle property for him rather than settling it himself. Of course, the general purpose of the provision is very similar to the Finance Act, 1939, s. 30, and the Finance Act, 1948, s. 76.

As my mind was running in that direction I overlooked the fact that ' on behalf of ' in this context might mean not only ' at the instance of ' but also ' in favour of ' with the result that I fear I have produced something of an ambiguity."

Old Crusty Rumbold's Letters to his Son

Sir,—May I say how much I enjoy and appreciate these letters ? They enshrine wisdom and knowledge which can only be obtained from a long and wide experience of men and the world. Many articled clerks (and, possibly, admitted men) will, I venture to suggest, feel that young Rumbold is fortunate in having such a mentor.

I hope we shall have the privilege and advantage of sharing with young Rumbold the counsel and advice which he is receiving from his father until (at least) the son accedes to the ranks of the profession.

R. B. ELDRIDGE.

London, W.1.

[The present series is limited to eight articles.—ED.]

REVIEWS

The Housing Repairs and Rents Act, 1954, and Supplement. By G. AVGHERINOS, B.A., of the Middle Temple, Barrister-at-Law, and A. E. TELLING, M.A., of the Inner Temple, Barrister-at-Law. 1954. London : The Estates Gazette, Ltd. 15s. 6d. net.

The main volume deals with the Act in ten chapters ; the Supplement contains the Housing Repairs (Increase of Rent) Regulations, 1954 the Rent Restrictions Regulations, 1954, and the Rent (Restrictions) Rules, 1954, with the numerous " prescribed forms " ; the Housing Repairs and Rent (Rent Tribunal) Regulations, 1954, and a copy of a departmental memorandum to rent tribunals. It is explained that the publishers decided not to delay publication of the main volume till the regulations, etc., had been issued—and—it is very much a matter for the individual—some readers may find it convenient to have the latter separately bound : there is a useful introductory note in which attention is drawn to the more salient features of this subordinate legislation.

Of the ten chapters of the main work, six are devoted to Pt. I of the Act, i.e., to the increased powers of local authorities, slum clearance, improvement subsidies and the like. The authors are to be congratulated on the way in which they have arranged and set out the new provisions, and added their comments, quoting authority in support ; if " readable " could be applied to a text-book, this would be a case in point, for a perusal of these chapters gives one an excellent idea of what is aimed at and how the aim is pursued. The remaining chapters take us through the repairs increase legislation and miscellaneous amendments of rent control law and give an equally clear, if somewhat less detailed picture of the results. It may be that too much importance is attached to the " having regard to " in the definitions of " good repair " and " reasonably suitable for occupation " to be found in the Act—the phrase does not express an actual condition ; on the other hand such observations as those made concerning the reference to " decorations " in the first-mentioned definition are both provocative and welcome.

Repairs Increases in Rents under the New Act. Special At-a-Glance Tables. 1954. A *Daily Mail* publication. 1s. 6d. net.

The new Act is, of course, the Housing Repairs and Rents Act, 1954, and those who have read the official explanatory booklet on Pt. II thereof, and those who heard the broadcast speech of the Minister of Housing and Local Government thereon, will readily agree that something rather more graphic was called for if a landlord or a tenant was to be helped to ascertain his rights. The deficiency can fairly be said to have been supplied by this publication, the author of which has a remarkable gift for placing himself in the position of a puzzled landlord or bewildered tenant and examining the requirements of, e.g., good repair, accordingly. Perhaps the most striking feature of the work is the number of hypothetical examples in which the problems and their solution are stated and worked out ; but equally to be commended are the notes on filling up forms illustrated by annotated examples in which the " filling-in " purports to be in ordinary (but legible) script.

The " Oyez " Table of Maximum Repairs Increases under the Housing Repairs and Rents Act, 1954. 1954. London : The Solicitors' Law Stationery Society, Ltd. 2s. 6d. net.

This is an essentially time- and labour-saving publication. By consulting the Table—or rather, the appropriate table, for two are provided, one for properties in, and the other for those outside, the County of London—the practitioner can quickly ascertain what (if any) increases can be made in the rents of controlled properties according to gross value ; and, in addition to these two, there are a table showing annual sums as approximate weekly equivalents, and a rateable value-gross value conversion table, to be found on the back cover. One word of warning : those not familiar with the provisions of the Act concerning the incidence of liability for repairs should carefully peruse the Notes and the Example, which are models of lucidity.

Trial of John Thomas Straffen. Notable British Trials Series, Vol. 80. Edited by LETITIA FAIRFIELD, C.B.E., M.D., Barrister-at-Law, and ERIC P. FULLBROOK, Clerk to the Justices, Reading County Court. 1954. London, Edinburgh, Glasgow : William Hodge & Co., Ltd. 15s. net.

This is another of those somewhat squalid cases to which this series now devotes such a disproportionately large number of its volumes, but, at any rate, it has a genuine claim to be regarded as " notable " from the unique circumstance of the conviction of a man who had committed murder immediately after escaping from Broadmoor, but who was eventually reprieved. The problems of mental deficiency in relation to the criminal law are dealt with in the introduction effectively and unsentimentally. There is a very interesting discussion of the advantages of the Scottish doctrine of " diminished responsibility."

SOCIETIES

THE SOLICITORS' ARTICLED CLERKS' SOCIETY announces the following programme for October, 1954 : 1st, Autumn Dance—Royal Empire Society, Northumberland Avenue (Craven Street entrance), 7.30–12 midnight. Tickets 5s. each, obtainable from Dance Secretary, c/o S.A.C.S., The Law Society's Hall, Chancery Lane, W.C.2 ; 7th, Reel Club—Law Society's Hall, 6 p.m. Refreshments—members, 1s., non-members, 1s. 6d. ; 12th, Theatre Club—Details from Michael Coles (CEN 5718, day only) ; 19th, Visit to the Royal Mint—Conducted tour will begin at 3 p.m. Numbers restricted to twelve members only. Names to M. J. Farrer-Brown (SPE 0309, evenings only) ; 21st, Debate—Motion : " That this House regrets its choice to become a solicitor." Chairman, D. H. Kramer. Law Society, 7 p.m. Refreshments from 6 p.m. Members only.

TALKING "SHOP"

OLD CRUSTY RUMBOLD'S LETTERS TO HIS SON—VII

My Dear Richard,

Please do not leave this letter lying about, for it is likely to be almost as full of compliments to our profession as a music-hall gag, and maybe some of your people in Cumerbund's office will take it as a personal affront and start turning up Odgers on class libels. I mention this at the outset because I am minded to say more than a few words on office administration, and if there is one subject on which solicitors hardly ever agree it is that. So, if you are imprudent enough to repeat anything that I say, do not be surprised if the only weight that it carries is the weight of some crushing rejoinder.

I do not know what truth there may be in the old belief that lawyers are prone to hash up their own wills, die intestate when they should not, and generally mangle their affairs. I suspect a *canard*, but I must allow that the worst-drawn will that I have proved in recent years was the self-made will of an elderly solicitor. It was not a case for sitting in the testator's armchair—seldom so comfortable a proceeding as it sounds—but of sharing the sentiment of Macbeth when he said, "Had I three ears I'd hear thee." Not only had the Birkenhead legislation passed the testator by, but the will turned out to be a veritable witch's cauldron of contradictions and obscurities. In the end, of course, all was settled with the aid of counsel's opinion and a composition by the beneficiaries.

If it be true that lawyers are neglectful of their own business—either absolutely or relatively in the sense that they ought to know better—the reason for it is not discreditable to them. You may put it down to preoccupation with their clients' affairs and a strong disinclination to share the alleged partiality of busmen for the busman's holiday. If the matter stopped as it were within the province of a lawyer's private or home concerns, we could treat it as outside our terms of reference. But you will find that it does not stop there.

For all I know, a great many solicitors' offices may be very efficiently organised, though what constitutes efficiency is a matter of opinion and I daresay that some of us (and notably your father) would feel a little rueful after a visit from an efficiency expert—I mean of course the type of person who makes a life-study of economy of effort and will tell you that you could save five minutes a day by using longer strokes with your razor and fewer with your comb, or by sitting in the office three paces nearer the door in a draught that has been exclusively reserved up to now for your secretary. Arguing from the particular to the general, and from personal prejudices to large assumptions—not, I admit, a reliable method—I would say that most solicitors would just like to be left alone to muddle along in the old way. They would rather take longer *their* way than take the short cut recommended by the efficiency expert (if any). And they will not thank you to cut down their overhead expenses by 5 per cent. if it means 5 per cent. more effort to do it. They will not worry overmuch about all the stationery that the staff waste; they would rather let the waste go on than cause an inquiry to be made and perhaps upset the staff.

I do not decry these prejudices because regrettably enough I share them to some extent and, as everybody knows, one is inclined to condemn the sins one has no mind to. But I do think that, if we were to address one-twentieth part of the time to our own office problems of administration that we are accustomed to devote to our clients' affairs, both we and they would benefit. This would be the equivalent of two hours out of a forty-hour week. Too long? Call it one hour a week, then, or one four-hour spell, 2 p.m. to 6 p.m., once a month. How many firms can get all their partners together to consider such matters for four hours at a stretch even once a year? At a guess, as many in the Law List as are one-man firms and perhaps a few others, who having once instituted the system now wonder why it seemed so difficult. In fact, of course, it is not so difficult. It is just a question of making the effort and for once making it plain to all concerned, including clients, that the firm's meeting has *absolute priority*. Do the directors of public companies habitually miss the annual meeting so that they may carry on business as usual? Not at all. Annual meetings and board meetings are all part of their business, and a very important part. So it should be with us, and from this point of view—there are, of course, sundry objections and prohibitions—it is perhaps a pity that we cannot practice as limited companies, for there might then be a wider recognition of the importance of studying our own office affairs. Not only is your clients' business your business, but your business is their business: by neglecting yours, you also indirectly neglect theirs.

You may count upon it that, if you were employed in the soft drinks industry and had contrived an improved method of putting the pop into ginger pop—and that with no *M'Alister* v. *Stevenson* heel-taps (a cruel libel, for they tell me that the snail was a forensic myth)—you would soon be the blue-eyed boy of the manager of the Fizz Department. But you should be careful at present how you let your fancy roam about a solicitor's office. You may think that the waiting room could do with a lick of paint and that some clients would as soon read *Illustrated* as the *Financial Times*, and that dictaphones for junior clerks should be as thick on the ground as leaves in Vallambrosa or the senior partner's carpet; but when you have aired some of these valuable suggestions, you must not feel hurt by the decision of the management to economise on your salary as a first step towards retrenchment and reform. Or if you decide to tackle the problem from the expenditure end and let it be known that there are too many dead-weights and drifters around the office, with a hint here and there that in a certain department two people are doing the work of one, you must not be surprised if for once the firm agree with you and start by dispensing with your services.

This is not to say that you are to go about with your eyes shut, but that you must open them widely enough. In the foreground you may see objects for reform, but in the middle distance I hope you may see yourself advanced to a position of such seniority that you will have the means of reforming them. I hope that you may attain to such a position before your first enthusiasm has faded and before you become too much embroiled in day-to-day affairs to pay such reforms the attention that they deserve and should receive if our profession is to prosper.

For the time being you may be able to do little enough towards modernising office methods in general, but your ideas on the subject may be none the worse for lying fallow. Meanwhile you can usefully consider (and so far as possible put into practice) certain principles concerning the organisation of your working day.

The most valuable commodity in the office, apart from the goodwill of the practice, is almost certainly *time*. You will

remember the difficulties that Alice encountered when she discussed this intractable subject at the Mad Hatter's tea party; and with some method in his madness the Hatter remarked, "If you knew Time as well as I do, you wouldn't talk about wasting *it*. It's him."

Despite what Chaucer said of a certain man of lawe—that he semed besier than he was—the reverse is true of the most eminent lawyers, whether solicitors or counsel. It is a fair criterion of success that the lawyer seems *less* busy than he is. First, it is a matter of duty, and this is true not only of solicitors advising lay clients, but of counsel consulted by solicitors. Secondly, it becomes second nature—an emptying of the mind of other matters for its better replenishment. Thirdly—and this is more easily done in a solicitor's office perhaps than in counsel's chambers—it is the result of a prudent measure of delegation. But, fourthly, and perhaps most important of all, it is what one naturally expects of a man who has achieved, if not a mastery of time, at least some *modus vivendi* with the tyrant.

I am tempted to assert that it is the first office duty of the day to deal with the post, but it is not much use saying this to a litigation manager who must be in the county court by 10 o'clock or to a "company" partner who is giving birth to a prospectus. Perhaps I may put it broadly that, other things being equal, the post comes first; in the more even tenor of conveyancing and family trust practice there should be less difficulty in adhering to this general rule than in litigious or commercial practice.

I do not wish it to be thought that I am laying down any hard-and-fast rules, so I will just mention the system that I choose to follow myself and will leave it to you to improve upon it.

In the first place, I make a point of seeing all letters that relate to matters under my supervision and of ensuring that they reach the managing clerk concerned as soon as possible. I do not advise discussions with the managing clerk at this stage, for he must be given time to read the letter and to form his own views; also by discussing one matter of his you may hold up another in the care of somebody else. A few pencil notes on the incoming mail such as "Please see me on this" should suffice for the time being, though managing clerks are apt to deprecate the type of note that reads, "Who is the client?"

Secondly, if I can avoid it, I do not make appointments before 11 or, for preference, 11.30 in the morning: these times would of course be earlier in a country practice. This allows half an hour for reading the post and upwards of an hour for answering it and dictating yesterday's "entries." By adopting this system you can be sure of applying a fresh mind to the post and you will give your secretary a fair chance to get started on her day's work. Does all this sound too elementary? I would forbear to mention it, were it not that so many people start the day with interviews or an orgy of telephone calls, and then wonder why their letters are not ready for signature when they want them.

It is a good plan, when replying to letters, to take them in the order of questions in an examination paper, that is to say—matters of urgency apart—to answer the easy questions first. The more difficult letters may have to be set aside for further consideration, but, even so, when a difficult letter contains a series of questions, it is the easier questions that you should first tackle if they are in any way severable from the rest.

The dictation of "entries"—that is, notes of interviews and telephone calls and other activities—is a bugbear, but it is important both for costing and record purposes. It is a matter of self-discipline. Entries take will half the time and will be twice as accurate if you make a point of dictating them whilst the matter is still fresh in your mind; by this I mean within one or two days at most and not a week or a month later.

The central portion of the day should not be devoted entirely to lunch, for into this time you must fit your interviews with clients and solicitors and others, the preparation and approval of draft documents, dictation of instructions to counsel and all the other multifarious activities of the practice. If a draft is sufficiently urgent or important, you may properly make an appointment with yourself to see about it and your secretary may properly state that you have an appointment at that time. For if you cannot make an appointment with yourself, with whom, I should like to know, can you make one? It is a delusion to suppose that a client's request for an appointment must always be granted so long as there is a single blank space in your appointments book; we are not dentists. It may also be more important to allot half an hour to a managing clerk on the pressing affairs of client *A* than to devote the whole afternoon to client *B*.

At the end of the day, with due allowance for important fixtures such as Wimbledon and conferences with counsel (sometimes synonymous), you should allow yourself enough time to read the outgoing mail properly and to discuss any questions that arise upon it. Check it for sense, sound and spelling mistakes and do not let anything go out of the office that is slipshod or smudgy if you can help it (sometimes urgency will prevail). The maxim *de minimis non curat lex* has no application to lawyers and it is not—or should not be—beneath your dignity to look at your correspondent's name and address as well as the text of the letter. If your advice is brilliant, it is too bad when you waste it on the dead-letter office.

Your affectionate father,

Crust Rumbold.

"Escrow."

SURVEY OF THE WEEK

STATUTORY INSTRUMENTS

Abington-Lanark-Airdrie-Cumbernauld Trunk Road (Westwood Braes Diversion) Order, 1954. (S.I. 1954 No. 1163.)

Dumfries-Kilmarnock Trunk Road (Upper Portrack Diversion) Order, 1954. (S.I. 1954 No. 1164.)

Import Duties (Drawback) (No. 6) Order, 1954. (S.I. 1954 No. 1190.)

King's Lynn-Sleaford-Newark Trunk Road (Clover Lane, Wigtoft, Diversion) Order, 1954. (S.I. 1954 No. 1188.)

Licensing (Scotland) Order, 1954. (S.I. 1954 No. 1180 (S. 111).) 8d.

Local Government Superannuation (Administration) Regulations, 1954. (S.I. 1954 No. 1192.) 8d.

London-Carlisle-Glasgow-Inverness Trunk Road (Larkhall Bridge) Order, 1954. (S.I. 1954 No. 1171.)

Milk (Special Designations) (Specified Areas) (No. 2) Order, 1954. (S.I. 1954 No. 1193.) 5d.

Milk (Special Designations) (Specified Areas) (Scotland) Order, 1954. (S.I. 1954 No. 1194.)

Perth-Aberdeen-Inverness Trunk Road (Overtown and other Diversions) Order, 1954. (S.I. 1954 No. 1165.)

Petty Sessional Divisions (Derbyshire) Order, 1954. (S.I. 1954 No. 1172.) 6d.

Purchase Tax (No. 5) Order, 1954. (S.I. 1954 No. 1179.)

Retention of Cables under Highways (Norfolk) (No. 2) Order, 1954. (S.I. 1954 No. 1187.)

Retention of Mains and Pipes under Highways (Ross and Cromarty) (No. 1) Order, 1954. (S.I. 1954 No. 1162.)

Safeguarding of Industries (Exemption) (No. 9) Order, 1954. (S.I. 1954 No. 1191.)
Stopping up of Highways (Cheshire) (No. 2) Order, 1954. (S.I. 1954 No. 1186.)
Stopping up of Highways (Dorsetshire) (No. 3) Order, 1954. (S.I. 1954 No. 1185.)
Stopping up of Highways (Durham) (No. 4) Order, 1954. (S.I. 1954 No. 1184.)
Stopping up of Highways (Great Yarmouth) (No. 1) Order, 1954. (S.I. 1954 No. 1166.)
Stopping up of Highways (Halifax) (No. 1) Order, 1954. (S.I. 1954 No. 1168.)
Stopping up of Highways (Kent) (No. 7) Order, 1954. (S.I. 1954 No. 1175.)
Stopping up of Highways (Lancashire) (No. 3) Order, 1954. (S.I. 1954 No. 1178.)
Stopping up of Highways (Lincolnshire–Parts of Kesteven) (No. 1) Order, 1954. (S.I. 1954 No. 1177.)
Stopping up of Highways (London) (No. 38) Order, 1954. (S.I. 1954 No. 1160.)
Stopping up of Highways (London) (No. 39) Order, 1954. (S.I. 1954 No. 1167.)
Stopping up of Highways (London) (No. 40) Order, 1954. (S.I. 1954 No. 1173.)
Stopping up of Highways (London) (No. 41) Order, 1954. (S.I. 1954 No. 1174.)
Stopping up of Highways (Middlesex) (No. 5) Order, 1954. (S.I. 1954 No. 1161.)
Stopping up of Highways (Norfolk) (No. 3) Order, 1954. (S.I. 1954 No. 1183.)
Stopping up of Highways (Plymouth) (No. 7) Order, 1954. (S.I. 1954 No. 1169.)
Stopping up of Highways (Reading) (No. 1) Order, 1954. (S.I. 1954 No. 1176.)
Stopping up of Highways (West Riding of Yorkshire) (No. 6) Order, 1954. (S.I. 1954 No. 1170.)

[Any of the above may be obtained from the Government Sales Department, The Solicitors' Law Stationery Society, Ltd., 102–103 Fetter Lane, E.C.4. The price in each case, unless otherwise stated, is 4d., post free.]

NOTES AND NEWS

Honours and Appointments

Mr. PERCY KENNETH WATKINS, senior assistant prosecuting solicitor in the Bradford Town Clerk's department for nearly five years, is to take up a similar appointment with Essex County Council in November.

Personal Notes

Mr. Frederick Norman Dawson, solicitor, of Hastings, was married on 22nd September to Miss Joyce Diane Frances Hallett.

Mr. Anthony Arthur Jeffcoate, solicitor, of Nuneaton, was married on 28th August to Miss Pamela Averill Mitchell, of Lea Marston, near Birmingham.

Mr. Peter Gordon Shaw, solicitor, of Cambridge, was married on 4th September to Miss Barbara Broughton, daughter of Mr. A. J. Broughton, clerk to the Oxford City magistrates.

Miscellaneous

THE SALFORD HUNDRED COURT OF RECORD

The Salford Hundred Court of Record (Extension of Jurisdiction) Order, 1954 (S.I. 1954 No. 1140), which came into force on 1st September, extends the jurisdiction of the Salford Hundred Court of Record to include personal actions where the sum claimed does not exceed £200, the limit having previously been £100. As the jurisdiction in possession cases was increased in 1951 to include premises where the annual rent or value does not exceed £100 (instead of £50 as previously), the effect of the recent order is to make the jurisdiction identical with that of the county courts.

ISLES OF SCILLY DEVELOPMENT PLAN

On 25th March, 1954, the Minister of Housing and Local Government approved (with modifications) the above development plan. A certified copy of the plan, as approved by the Minister, has been deposited at the Town Hall, St. Mary's, Isles of Scilly. The copies or extracts of the plan so deposited will be open for inspection free of charge by all persons interested between 9 a.m. and 12.30 p.m., and 1.30 p.m. and 5 p.m., on weekdays. The plan became operative as from 14th September, 1954, but if any person aggrieved by the plan desires to question the validity thereof or of any provision contained therein on the ground that it is not within the powers of the Town and Country Planning Act, 1947, or on the ground that any requirement of the Act or any regulation made thereunder has not been complied with in relation to the approval of the plan, he may, within six weeks from 14th September, 1954, make application to the High Court.

Wills and Bequests

Mr. A. A. Hall, solicitor, of Malton, left £9,550.

Mr. C. A. Hyton, retired solicitor, of Cardiff, left £15,759 (£15,685 net).

Mr. D. F. Smith, solicitor, of Liverpool, left £38,783 (£38,554 net).

Mr. S. R. Stringer, retired solicitor, of Park Lane, W.1, left £17,866 (£17,714 net).

Mr. W. H. Trump, retired solicitor, of Rhymney, Mon., left £7,800 (£7,481 net).

His Honour Judge Whitmee left £46,687 (£37,553 net).

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